

REMARKS

Reconsideration and allowance are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-13, 15-20 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maciulewicz (U.S. Patent No. 5,751,572, hereinafter "Maciulewicz") in view of Paul (U.S. Patent No. 6,687,817, hereinafter "Paul"). Applicant respectfully traverses.

In the outstanding Office Action, the reasons of the rejections seem to repeat the ones in the previous Office Actions, even though independent claims 1, 11 and 23 were amended to recite additional features in the February 25, 2009 Amendment. For this reason, Applicant kindly requests the Examiner to participate in an interview with Applicant's representative in order to facilitate further prosecution of the application. A request for an interview is filed with this response.

In the February 25, 2009 Amendment, Applicant argues that the "control information" and "operating parameters of zone controllers" of Maciulewicz do not correspond to the claimed configuration data. The outstanding Office Action has not provided response to the above-mentioned arguments from the Applicant. In detail, the "control information" of Maciulewicz is defined in col. 4 lines 32-39 as zone damper position, zone temperature setting and the current temperature of the zone. Clearly, the so-called "control information" of Maciulewicz does not correspond to the claimed "configuration data", even when allowing a broad interpretation of the instant claim language. For example, Maciulewicz does not teach or suggest that the

control information corresponds to configuration data associated with a controller device being configured to perform its appointed role, the role pertaining to at least one of the type and the functionality of the controller device requiring the configuration data. The outstanding Office Action therefore fails to provide sufficient support for the statement that "control information" and "operating parameters of zone controllers" of Maciulewicz are specific types of configuration data. Therefore, Maciulewicz does not disclose configuration data. More particularly, Maciulewicz does not disclose that each controller device of the plurality of controller devices is adapted to transmit a configuration data request if not configured to perform its appointed role, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data, as recited in claim 1.

In the outstanding Office Action, Paul is relied upon for allegedly disclosing each controller device being adapted to transmit a configuration data request if not configured to perform its appointed role, the configuration data request containing data that indicates at least one of the type and the functionality of the controller device requiring the configuration data. More particularly, col. 6, paragraph 3 of Paul is relied upon for allegedly disclosing a device being of a certain type and having a certain functionality. It is asserted in the Office Action "where NAS device is a type, and TCP/IP is the functionality of the controller". Applicant disagrees.

As previously submitted in the October 3, 2008 and the February 25, 2009 Amendments, Paul merely discloses that configuration data pertains to network setting which allows the new device to function within the network. Paul fails to

disclose that each controller device is adapted to transmit a configuration data request if not configured to perform its appointed role.

In col. 6, paragraph 3 of Paul, which is relied upon by the outstanding Office Action, it is disclosed that the software of configuring the new device is written in Java and makes use of the Java TCP/IP multicast facilities, and that a specific configuration object contains TCP/IP configuration information. This paragraph of Paul also discloses that the software sends a Java object which announces that the NAS device is a device needing configuration.

Applicant submits that TCP/IP is merely a communication protocol according to which devices communicate with other devices on the network. Contrary to the assertion in the Office Action, TCP/IP is not a functionality.

In addition, the NAS device of Paul is a network attached storage device (see, Paul, *inter alia*, col. 5, lines 39-49). However, Paul does not disclose any particular functionality associated with the NAS device. As known in the art, the functionality of a NAS device is to supply file-based data storage services to other devices in the network. Since Paul does not specify any particular functionality with the NAS device, a skilled person realizes that the NAS device to Paul is a standard NAS device having a standard functionality. As such, Paul does not teach or suggest that the NAS device needs to send or receive information pertaining to its functionality. Therefore Paul fails to teach or suggest that each controller device of the plurality of controller devices is adapted to transmit a configuration data request if not configured to perform its appointed role, the configuration data request containing

data that indicates at least one of the type and the functionality of the controller device requiring the configuration data, as recited in claim 1.

Since the combination of Maciulewicz and Paul fails to teach or suggest each feature of claim 1, the claim is patentable. Claims 11 and 23 are patentable for reasons analogous to these for claim 1 because claims 11 and 23 recite features analogous to these of claim 1. Claims 2, 3, 5 -10, 12-13 and 15-20 are patentable over the cited prior art at least because of their respective dependencies.

Claims 4 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maciulewicz in view of Paul, as applied to claim 1 and 11, and further in view of Donahue et al. (U.S. Patent No. 7,313,606, hereinafter "Donahue")

Claims 4 and 14 are also patentable over Maciulewicz, Paul and Donahue, at least because Donahue fails to remedy the above noted deficiencies of Maciulewicz and Paul.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of present application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 14, 2009

By: Weiwei Y. Stiltnet
Weiwei Y. Stiltnet
Registration No. 62979

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620